

**IN THE DRAWINGS**

Please add the attached New Sheet of drawings including new Figure 6. None of the existing drawings have been amended.

## **REMARKS**

After entry of the present Amendment, claims 1-2 and 6-22 remain in the application, with claim 1 in independent form. Claim 1 has been amended to incorporate the elements of claim 5, as well as the elements of claim 4 from which claim 5 depends. Claim 2 has been amended to clarify this claim and claim 6 has been amended for dependency. Claims 3-5 have been cancelled.

A new sheet of drawings including new Figure 6 has been added, as required by the Examiner. New Figure 6 shows the same features as Figure 3, but with the position of the energy absorbing mechanism 18 and the fastener 28 reversed, such as shown in Figure 4. Additional support for new Figure 6 can be found throughout the specification and the claims, including in paragraph [0018] and claims 21 and 22. A new paragraph has been added after paragraph [0012] to describe new Figure 6 in the Brief Description of the Drawings section of the application, and the amendments to paragraphs [0011] and [0012] were made in response to the addition of the new paragraph after paragraph [0012]. Paragraph [0018] has been amended to include references to Figure 3 and new Figure 6. No new matter has been added.

Claims 2, 3, 5, and 14 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as their invention. Claims 1, 2, 4, 5, 7-10, 19, and 20 stand rejected under 35 U.S.C. §102(b) as being anticipated by Li et al. (U.S. Patent Application Publication No. 2002/0036404). Claims 3 and 6 stand rejected under 35 U.S.C. §103(a) over Li et al. in view of Muller (U.S. Patent Application No. 2004/0211612). Claims 21 and 22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Li et al. Claims 11-13 and 15-18 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form.

### **Claim Rejections Relying on 35 U.S.C. §112, Second Paragraph**

As to the rejections under 35 U.S.C. §112, Second Paragraph, the Applicants respectfully assert that the scope of the claims subject to the rejection are clear when reference is made to the specification. More specifically, with respect to claim 2, the Applicants have

amended this claim for clarification purposes. Further, the Applicants refer the Examiner to paragraph [0020], which explains the limitation of the “minimum” resistance by indicating that “the brake **30** is operable to provide a minimum resistance such that the steering column **14** remains stable during normal operating conditions,” which clearly apprises those of skill in the art as to the scope of claim 2.

Claim 3 has been cancelled, thus rendering the rejections of claim 3 moot.

As to claims 5 and 14, the specification further explains, in the last sentence of paragraph [0017], that “[t]he flexible feature of the elongated element **20** means that the elongated element **20** offers negligible or no resistance to bending and merely transmits forces in tension, i.e., there is no energy absorption due to bending forces.” This clarifies the element of “insubstantial resistance” and clearly apprises those of skill in the art as to the scope of claims 5 and 14.

In view of the foregoing, it is respectfully submitted that the scope of the claims rejected under 35 U.S.C. §112, second paragraph, is clear, and that the Applicants have distinctly claimed the invention such that those of skill in the art are apprised of the scope of the claims. As such, the Applicants respectfully assert that the rejections under 35 U.S.C. §112, second paragraph are overcome, and respectfully requests that those rejections be withdrawn.

#### **Claim Rejections Relying on 35 U.S.C. §102(b)**

As to the rejections under 35 U.S.C. §102(b), the Applicants respectfully traverse those rejections as they relate to dependent claim 5, the elements of which have been incorporated into independent claim 1.

As the Examiner is aware, in order to establish anticipation under 35 U.S.C. §102(b), a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. See MPEP 2131. The Applicants respectfully assert that Li et al. does not disclose the elements of Amended claim 1, which include in part, dependent claim 5, i.e., that the elongated element is sufficiently flexible to provide insubstantial resistance to bending for allowing frictional engagement

with the frictional member while retaining structural integrity for returning to a pre-collision condition. More specifically, Li et al. relies upon energy absorption due to plastic deformation of the elongated member, as described throughout the specification of Li et al. and, in particular, in the Summary of the Invention section in paragraph [0004]. As such, it is clear that Li et al. does not anticipate the elements of claim 5, and the rejection of claim 5 as anticipated by Li et al. under 35 U.S.C. §102(b) must be withdrawn.

In view of the foregoing, it is respectfully submitted that the other rejections relying on 35 U.S.C. §102(b), namely, the rejections of claims 7-10, 19, and 20, are moot since those claims each depend, either directly or indirectly, from independent claim 1 which now includes the elements of dependent claim 5.

**Claim Rejections Relying on 35 U.S.C. §103(a)**

As set forth above, claim 3 has been cancelled. As such, the rejection of claim 3 under 35 U.S.C. §103(a) is moot. The Applicants respectfully submit that the rejection of claim 6 under 35 U.S.C. §103(a) is moot since claim 6 now depends from the novel and non-obvious features of claim 1, which has been amended to include the elements of claim 5, and since the prior art relied upon by the Examiner to establish the rejections under 35 U.S.C. §103(a) is insufficient to remedy the deficiencies of Li et al. relative to claim 5.

In view of the remarks set forth above, it is respectfully submitted that the §102(b) rejection of the claim 5 over Li et al. is improper and must be withdrawn. Further, the prior art relied upon by the Examiner in the rejections relying on 35 U.S.C. §103(a) is insufficient to remedy the deficiencies of Li et al. relative to claim 5. Thus, independent claim 1, which has been amended to include the elements of claim 5, is in condition for allowance. Furthermore, the remaining claims depend either directly or indirectly from the novel and non-obvious features of independent claim 1 such that these claims are also allowable. Thus, the Applicants respectfully request allowance of the present claims.

This response is being filed timely, thus it is believed that no fee is presently due. However, the Commissioner is authorized to charge the Deposit Account No. 08-2789, in the name of Howard & Howard Attorneys, P.C. for any additional fees or credit the account for any overpayment.

Respectfully submitted,

**HOWARD & HOWARD ATTORNEYS, P.C.**

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**Date**

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